

1887-012 Chancery Causes: Andrew M. Fitts vs. William Fitts &
Lee Co.

Quillen, Anderson, Coleman, Morgan

1 Plat

CH-Estate Dispute
T-Property

To the Hon H. S. H. Morrison Judge of the Circuit
Court of Lee County Virginia:

Humbly Complaining your Orator Andrew
M. Fitts would respectfully represent, that many
years ago his father Cornelius Fitts departed this
life intestate in this county, leaving a widow Sarah
Fitts (now dead) and Seven heirs at law, of whom
your Orator and one James R. Fitts (now dead) were
two. Your Orator further states that said Cornelius
Fitts at his death was the owner of about 860 acres
of valuable land in said county situated about 8 miles
south west of the Town of Jonesville and the same
descended at his death to his seven heirs at law, subject
to the dower of his said widow therein.

Your Orator further states that said lands were partitioned
among said heirs, and dower was assigned the
widow in the manner shown by the copy of a plat
of Partition and assignment of dower herewith filed
as a part hereof marked (A B) by reference to which
it will be seen that the dower lands so assigned the
widow containing 225 acres was not partitioned among
said heirs, and hence each one of the seven heirs had
and hold an equal undivided interest therein.

Your Orator further states that lot No. 4 on said
Plat was assigned to the said James R. Fitts, one of said
heirs, and this lot together with his undivided in-
terest in said dower lands, the said James R. Fitts

And by a second ^{deed} duly executed and recorded the said James
R. Fitts wife and Alvis J. Fitts conveyed to Enclosure
Adm. Colman said James R. Fitts undivided interest
in the said dower lands.

wife undertook to and did convey to their son, and
Alvis J. Fitts by proper and duly executed and recorded.

Your Orator further states that in the year 1868
one C. N. Robinson who had obtained two judgments
at law against said James R. Fitts before the death of his
father, filed his bill in this honorable court, for the
purpose of setting aside said deeds of conveyance &
subjecting said real estate to the payment of said judgments,
& in the year 1869. J. W. Orr as the adm. of one Joseph
Parkey dead, filed his bill in this court for the same
purpose and to subject said lands to the payment of
a judgment due his intestate. And these suits
were subsequently brought on to be heard together, &
by a decree entered in said causes on the 19th
day of May 1871. said deeds of conveyance of said James
R. Fitts wife to said Alvis J. Fitts, ^{and the conveyance by said three to the two Miss Colman.} was set aside
and held for naught so far as said judgments were
concerned. And the land which the said James R.
Fitts inherited from his father, both in said
lot No 4 and his undivided interest in said dower
were ordered and decreed to be sold to pay said judgments
at law. And Genl. A. L. Pridemore was appointed
a commissioner to make said sale.

Your Orator further states that said A. L. Pridemore
acting as such commissioner on the 17th day of
July 1871 offered said land for sale, by first offering
for sale said James R. Fitts undivided interest in the said
dower lands when one William Fitts a colored man
became the purchaser thereof at the price of \$220.00
which sale was subsequently confirmed, all of which

will fully appear by the proceedings had in said cases
now of record in this honorable court:

Your Orator now states that he became the security
of said William Fitts (colored) to said A. L. Pender as
commissioner for the purchase price of said Jas R. Fitts
undivided interest in said down land so purchased by
the said William Fitts colored. And soon after the
execution of the notes or bonds for the purchase price
of said undivided interest, the said W. Fitts colored
absconded from the Commonwealth of Virginia to evade
a criminal prosecution as it is said, And as the said
purchase money notes became payable Your Orator was
called on to pay the same, and first and last he
did pay and discharge the full amount of the
purchase price and each and every part thereof:

Your Orator states that in his own right he was and
is the owner of one seventh of the said down land, and
he has purchased five other shares therein, and has
fully paid the purchase price for the said James R. interest
in the manner before stated And being the owner by
purchase of six sevenths thereof and having paid the
purchase price of the other seventh in the manner stated
he has taken entire possession of the said down lands
claiming the same as his, and has thus held and
used the same for more than 10 years last past and
is now in the full and undisputed possession thereof:

The causes before referred to have been dismissed and

and stricken from the docket without any deed of conveyance of the said James R. Fitts interest therein either to the purchaser Wm. Fitts colored, or to your Orator as his surety who became virtually the purchaser thereof and is entitled in a court of equity to be substituted to his rights.

Your Orator further states that since said proceedings were had in said two causes the said Emaline Coleman has intermarried with Harman Dutton and the said Adeline Coleman has married John B. Anderson all of whom together with Alvis J. Fitts and said Wm. Fitts colored are now residents of the State of Virginia.

Your Orator now files herewith a paper marked (A.B.) over the signature of said Wm. Fitts colored by which in writing he directs A. L. Pridemore as bearer to convey to your Orator the land so purchased by him and in this writing he states that he has paid nothing toward the purchase price and that the same has been paid by your Orator.

Under the facts of the case your Orator is advised that he is entitled to have a proper deed of conveyance for said one undivided seventh part of said above land, but if mistaken in this, then he is advised that he is entitled to recover against the said Wm. Fitts colored said sum of \$200.00 with interest thereon from July 17th 1871 till paid, and to have said interest as sold to pay the same and to obtain relief in one or the other of these modes is the object of this bill.

The premises considered your Orator prays
that said Wm. Fitts colored, Alvin J. Fitts Harman
Quillen Imolin Quillen John B. Anderson and
Adeline Anderson be made defendants to this bill
and be required to answer the same fully on oath
that an order of publication be entered posted and
published against said defendants, and upon hearing
of the cause a decree be entered enforcing a specific
execution of said contract and a commissioner app-
ointed to execute a proper deed conveying to your
Orator the legal title to said land, and if this is deemed
impracticable then that said land be sold to re-imbu-
se him for the money he has paid as security for the said
Wm. Fitts and if mistaken in this his special
prayer then he prays for all general relief May
the court so order the writ of Spem issue directed to.

Henry J. Morgan for Plaintiff

C 6.39
Dr. 5.00
+ 15.00
\$36.39

Andrew M. Fitts

vs. } Bill

Wm. Fitts colored T. & al

1887 Febry Bill Filed

3rd not executed order
Publication against
Defendants & Conts

11 March O.P. Completed
+ Cause set for hearing

11 March Term
Decree final
OV 31

A M Fitts

vs.

Wm. Fitts (colored) and

Peff

} In Chy

Dfts

This cause came on again to be finally heard on the papers heretofore read in the cause, and the report of Const. H. J. Morgan filed in the cause April 1st 1887 showing the execution of a deed of conveyance to the plaintiff for J R Fitts interest in the slave lands as directed by a former decree in the cause & was argued by counsel. And said report being accepted to. On consideration of all which it is adjudged ordered & decreed that said report & the deed of conveyance thereunto be and the same are hereby approved & confirmed and the clerk of this will deliver to the clerk of the county court said deed of conveyance for record, and it is adjudged that the plaintiff recover against Wm. Fitts colored the costs of suit including \$2.50 for making said deed, and no further action being necessary the parties are hence dismissed and the cause stricken from the docket.

A M Fitts

no { Drum No 2 final

Wm. Fitts (Colored) 1st

Entered page 81

Enter this
April 1 1887

H. S. K. M.

A M Fitts

vs.

Wm. Fitts (Colored) & al

Peoff

Defts

In Chy

This cause came on this day to be heard on the bill of the plaintiff and exhibits therewith taken for confessed by the defts. and was argued by Counsel. On consideration thereof it appears to the court that the plaintiff is entitled to the undivided interest of Jas. R. Fitts dead in the lower lands of his Mother containing 225 acres. It is therefore adjudged ordered and decreed that a deed of conveyance for said undivided interest be made to said A M Fitts, conveying to him the legal title of the said Jas. R. Fitts interest in said lower lands consisting of one undivided seventh part. and to attain this end Henry J. Morgan is appointed a commissioner to execute such a conveyance with covenants of special warranty who will report his action to the court, and until the coming thereof the cause is continued.

A. W. Fitts

no. 3 Decem. 1861

Wm. Fitts colored ink

Entered page 12 Aug 1863

Enette Fitts

Nov. 30 1867

A. W. Fitts

A M Fitts

Pg

vs.

Wm. Fitts (Colonel) Alvin J. Fitts, Herman
Zwilling Emiline Zwilling John B. Anderson
and Adeline Anderson - - - Dfs.

In Chy

I do swear that according to my best information
and belief each of the depts. & above are
not residents of the state of Vt. so help me god.

Henry J. Morgan

Sworn to before me January 24/1887
J. A. Hyatt ss

A M Fetto

no 3 affa

M. Fetto

A. M. Fitts

Co.

Wm. Fitts (Colonel) and

Poff

Defto

In Chy

To the Hon J. S. L. Morrison Judge of the Circuit
Court of Lee Co Va.

Pursuant to your decree in this cause entered
on the 31st day of March 1887 I have executed and acknowledged for record, a deed conveying to the Poff
the late Jas. R. Fitts undivided interest in the
lands of Sarah Fitts decd. which deed of conveyance
is herewith filed for your inspection approval and
4) All which is respectfully submitted

Hon. J. Morgan Comr.

April 1st 1887.

A. M. Fitts

as } Capt. Reprint - Dead
3

Wm Fitts, Colorado, Cal

Filed April 1st 1887.

J. A. Hyatt & Co.

(AB)

Kentucky Knox County to wit.

To A. L. Richmond Commencement;

Sir,

The land
purchased by me at the sale of James R. Fitts
land and for which Andrew M. Fitts lent my
security, has been paid by said Andrew M. Fitts
nothing having been contributed by me. You
will therefore please make the deed to him
for the land - so purchased by me.
Yours &c. William ^{his} Fitts
mark
Sister Mr. Lowrey

Sister
Mrs. Lowrey

Guest & William ^{bro} Fitts
mark

(A6)

For William—

Virginia

In the Clerk's office of the Circuit Court of Lee
County on Tuesday Jan 26 1887.

Andrew M. Fitts

Plff

vs.

Wm. Fitts (colored) Mrs J. Fitts, Heirs
Quillen Escalier Quillen John B.

In Chy

Anderson and Adeline Anderson

Defts

The object of this suit is to obtain a legal title to
the one undivided seventh part of the dower lands in
the bill mentioned which descended to James R. Fitts
+ wife as his and purchased by Capt Wm. Fitts (colored)
and paid for by the plaintiff & it appearing from
an affidavit made in the case that each of said
defendants are con. residents of Virginia They are
therefore ordered to appear here within one month
after the publication of this order to do what may be
necessary to protect their interest in the cause

A Copy. Teste J. A. S. Hyatt C. C.

H. J. Morgan P. C.

A M Fitts

as } Order Pub.

Wm Fitts (Colonel)

I certify that I
delivered an office
copy of this order to
the Va Herald for
Pub. Jan 25-1887
and posted a like
copy at the front
door of Lee C. Pl.
at the Clerk's Room
of the County Court
I. M. Fitts att. Co.

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Greeting:

WE COMMAND YOU to summon Wm Fitts (old) Alvis

S. Fitts, Herman Quillen, Canaline Quillen, John
B. Anderson and Adaline Anderson

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House
on the first Monday in February next, being Rule Day, to answer a
Bill in Chancery exhibited in our Court against them, by Andrew

M. Fitts

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said
Court, at the Court House, this 26th day of January 1887 in
the 11 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste :

St. J. M.

A. M. Fitts

vs ³/₃ Spain Choy

Wm. Fitts (old) et al

To Febry Rules 1887

Not executed, the
parties all being
non-residents.

D. S.

I Jeff Duff Pub & Herald
a weekly newspaper pub-
lished in Jonessville do cer-
tify that the following non-
resident notices appeared
four successive times in
said paper and the pub-
lishers fee of \$5.00 is due and
unpaid. March 27th 1887
Jeff Duff

I Jeff Duff editor and pub-
lisher of Virginia Herald a
weekly newspaper published
in the county of Lee do cer-
tify that the following non-
resident notice appeared
four successive times in
said paper ending July
18th 1887
Jeff Duff
Pub Fee \$5.00

VIRGINIA: In the clerk's office of the
Circuit Court of Lee county, on Tues-
day January 25th, 1887.
Andrew M. Fitts, Plt.
vs.
Wm. Fitts (colored) Alvis T. Fitts, Herman Quillen, Emaline Quillen, John B. Anderson and Adaline Anderson, Defts. In Chanc'y.
The object of this suit is to obtain a legal title to the one undivided seventh part of the dower lands in the bill mentioned while dis-
cended to James R. Fitts and sold as his and
purchased by deft. Wm. Fitts (colored) and
paid for the plt., and it appearing from an
affidavit on file in the court house, that each
of said defendants are non-residence of Vir-
ginia. They are therefore ordered to appear
here within one month after the publication
of this order to do what may be necessary to
protect their interest in the cause.
A copy Test, J. A. G. HYATT, C. C.
H. J. MORGAN, P. O.

Audmull Hills
V.D.
Wash Hills, Col

Pub Fee \$500